



The Faculty Ombudsperson: Maintaining Civility and Academic Freedom in Higher Education

CLARA WAJNGURT

ABSTRACT

Academic freedom, tenure, peer review and shared governance are intrinsic tenets to the organizational climate of higher education. In the higher education climate dissent is valued, and dialogue and debate are encouraged. Often, there is a clash between academic freedom and civility. Sometimes an environment of civility can escalate to a climate of workplace bullying. Higher education institutions need to effectively address such incidents, in order to preserve these tenets. The existence of a faculty ombudsperson can serve as an option to resolve such conflicts, complaints or disagreements between different constituencies at the university, so that these tenets are further preserved.

KEYWORDS

academic freedom, civility, workplace bullying, higher education, ombudsperson



This article suggests that the faculty ombudsperson serves in a pivotal role to preserve the coexistence of academic freedom and civility in the university environment. In order to accomplish this role the faculty ombudsperson needs to have a good grasp on academic freedom, peer review, tenure and shared governance issues which affect the faculty climate (Keashly & Wajngurt, 2017). All four components are at the core of the mission in the Academy. Academic freedom is the freedom for faculty to teach without external control in their area of expertise, and includes the freedom of the student to learn (Altbach, 2001). It defines a freedom in which faculty can teach, study, research, or communicate facts in the university environment or outside, without being targeted for suppression, job loss or discipline by the university. Academic freedom guarantees faculty to explore and express ideas, no matter how controversial or inconvenient to political groups or authority figures inside and outside the university (Poch, 1993).

Fundamental to defending academic freedom is the critical role of peer review (Hamilton, 1997). Peer review describes a process by which faculty work together to assess and improve each other's teaching and research (Keig, 2000). In this situation, all perspectives are presented and vetted in order to explore and broaden knowledge (Keashly and Wajngurt, 2017). Peer review is the process by which the academic freedom of faculty is critiqued and challenged, as feedback on faculty research and teaching are being made.

Tenure is an accomplishment by which any person who is retained as a full-time faculty member, beyond a specified period of probationary service, may not thereafter be dismissed without adequate cause (Brown & Kurland, 1990). In fact faculty tenure is not only a faculty right to due process, but entails a process by which the university confirms that the professor's academic freedom to pursue any academic research, without the fear of discipline, nor the concern of repercussions, is made. In this way tenure provides the faculty member with protection from retaliation for unpopular perspectives that are counter to the climate of the university.

Academic freedom requires a governance system in which faculty expertise determines how institutional decisions are being made with regard to academic matters. Sometimes it is possible for faculty members to make decisions that disregard the academic freedom of other faculty members (Gerber, 2001). Shared governance is that process by which various groups of people at the university share in key decision-making roles, often through elected representatives, and allows for certain groups at the university to exercise primary responsibility in certain areas or issues of concern. Shared governance is a process by which a "delicate balance between faculty and staff participation in planning and decision-making processes on the one hand, exists with administrative accountability on the other hand" (Olson, 2009; Perley, 1995). It refers to the degree to which faculty participate in decisions around academic policies, programs, budget concerns and hiring (Messer, 2017). Or perhaps another example would be to form a joint faculty/administration committee in order to implement assessment initiatives for the various administrative and academic departments. In this way both faculty and staff are held accountable for implementing this process. Particularly, all faculty share a role in the shared governance process, and generally some constituencies (or person) are accountable for implementing this process.

Academic freedom, peer review, tenure and shared governance are principles that are impacted by the university mission and promote a climate in which ideas are subjected to rigorous scrutiny and critique (Keashly and Wajngurt, 2017). In such a climate, dissent is valued, and dialogue and debate are encouraged. Ideas are challenged, discussed and further elaboration of the expressed ideas are welcomed, while other faculty may exercise authority through shared governance, for example in knowledge of these ideas. It is important to view these dialogues and challenges as part of the general culture of the university, and it is expected that such dialogues are discussed in a civil manner.

COEXISTENCE OF ACADEMIC FREEDOM AND CIVILITY

When academic freedom is used by faculty members to say anything they want, with disregard to the actions of other colleagues, or to exercise abusive and abrupt behavior, like shouting at colleagues, denouncing students and administrators, or bypassing professional duties, a question arises regarding whether our peers may want to grant this person who is speaking in this fashion, a platform to hear such a discourse. This includes granting such a colleague tenure or promotion, or viewing this person's speech positively in matters of peer review or shared governance. Even in the case of tenured faculty, it is assumed "we have an obligation to exercise caution in what we say and how we say it" (Olsen, 2009). This is significant because in the process of applying dialogue and debate in the Academy, insensitive behavior that displays a lack of disregard to other colleagues' points of view, can result in the exclusion or silencing of the person who exhibited the insensitive behavior.

Civility is an action that helps to preserve the norms for mutual respect, acknowledgement and concern in the workplace (Cloud, 2015). It's "a way to disagree without demonizing others" (Spencer, Tyahur & Jackson, 2016). Faculty civility is fundamental to success in teaching and research as well as college and department service, which are all crucial in attaining tenure. In fact some constituencies at the university claim that exhibiting civility should be an additional requirement to receiving tenure (Pertnoy, 2004). However, adding civility to the list of tenure requirements could suppress free expression, dialogue and discourse, and thereby threaten the academic freedom of the faculty member going for tenure (Pertnoy, 2004). This means as incivility interferes with the faculty member's academic freedom, incivility can disrupt work patterns, turn away potential collaborators in research and college service, where colleagues do not appreciate hasty behaviors and interference with productive work (Pearson, Anderson and Porath, 2000). Untenured faculty are often discouraged from questioning or challenging administrative decisions, policy initiatives, or policy violations. In this case, civility is used to stifle and punish free speech, which then affects the expression of shared governance issues at the university, when the university setting involves a free exchange of ideas. However, if disagreements in a university setting are "done in a spirit of mutual respect and understanding" then the academic freedom of speech at the university implies the use of dignity, courtesy and temperateness of language." (Thorne, 2013; McDonald, Stockton and Landrum, 2018). In this way academic freedom and civility coexist.

INCIVILITY AND WORKPLACE BULLYING ON A CONTINUUM

In the Academy, when acts of incivility are left unchallenged, they can possibly escalate to bullying. Chairpersons or academic vice-presidents can demand rapid decisions and around the clock interactions for resolving issues, heavy workloads and poor scheduling, and can control, by wielding power through exploitation of others. These are some factors that exist in the organizational climate and contribute to bullying. The organizational climate of higher education allows bullying to thrive because of competition, adversity and political tactics, or more specifically, aggressive tactics which often encourage faculty to climb the ladder from untenured professor to full professor in a more forceful way (Farkey and Sprigg, 2014).

Bullying is a behavior that is unwanted and unwarranted; a pattern of repeated behaviors that generally escalate (if not recognized and dealt with quickly); and which humiliates, excludes, demeans, offends and intimidates, and has a detrimental effect on the target (McCulloch, 2010). Implementing a "Prevention of Bullying Policy" would suffice by providing a definition of bullying, a range of options that confront and deal with the bullying behavior, and consequences for its occurrence (McCulloch, 2010).

The one who exhibits the original uncivil behavior gets a heightened sense of power as others ignore the unchallenged critique of coworkers in front of others, the downplay of accomplishments of co-workers, or the yelling and screaming at targets in front of others. Incivility can start for example as a single incident like eye rolling, mocking, interruption or denial of a co-workers' accomplishments, and before it is apparent, the mockery and eye rolling turn into constant critique, and the interruption and denial turn into ostracism, re-occurring on a more continuous basis over a period of time.

Bullying then becomes repeated, unwanted behavior directed toward a colleague (or colleagues) by an individual (or individuals) who has perceived power, and is intended to harm the targeted colleague (or colleagues). This behavior results in a negative impact on the target(s) (Mattice, 2011). In this way both incivility and workplace bullying then lead to physical and mental symptoms in the target, and subsequently lead to higher turnover rate, lower productivity and potential lawsuits (Chaudhury, 2016). Hence it is important for higher education institutions to address these incivility and bullying issues and encourage a positive climate so that the academic mission more effectively reflects academic freedom, peer review, tenure and shared governance.

ADDRESSING INCIVILITY AND WORKPLACE BULLYING AT THE UNIVERSITY

Some of the processes for addressing incivility and bullying behavior in higher education can include any of the following (Chaudhury, 2016; Farkey & Sprigg, 2014; Keashly & Wajngurt, 2017):

- instituting a code of professional conduct that clearly indicates which behaviors are acceptable;
- reinforcing a positive college climate for faculty, administration and staff;
- creating interventions and workshops on eradicating bullying and encouraging campus civility;
- creating an anti-bullying/healthy workplace policy;
- establishing effective mechanisms for monitoring internal conflict and establishing more efficient communications, department and college-wide.

ROLE OF THE OMBUDSPERSON AS AN AGENT TO TACKLE INCIVILITY AND WORKPLACE BULLYING

However sometimes the target of incivil or bullying behaviors is so overwhelmed that the person does not know what to do or where to go (Morse, 2010). The development of a model to address incivility and bullying behaviors at the Academy could include the faculty ombudsperson in a central role who works with the university constituency in a collaborative role. This means that the ombudsperson acts as a "catalyst" who works collaboratively to develop and implement a cultural change effort by addressing "systematic issues" within the Academy while being neutral and confidential to a target of workplace bullying.

Essentially, the existence of a faculty ombudsperson can provide faculty with a prompt and strictly confidential way to resolve any conflicts, complaints or disagreements when there are conflicts with the department chairperson or academic vice-president. The ombudsperson will assist faculty with work-related difficulties or any interpersonal concerns, on the job. Also, the ombudsperson can help faculty identify options for resolving issues of concern, and will help maintain civility, and thus academic freedom, in the context of existing mechanisms at the College, in an impartial manner. In this way the ombudsperson reports to someone at the Academy who understands that the ombudsperson will serve as a bridge between existing



conflicts and options for resolution, and whose job description has the full cooperation of all staff and administrators. Moreover, the ombudsperson can work as a change agent at the university, helping to implement a positive working climate at the university.

It is important for the ombudsperson to be perceived in a way that does not undermine the neutrality, credibility and effectiveness of the job. (Sebok and Rudolph, 2010). Behaviors on the job, like screaming, cursing, isolation, banging on tables, or anything that violates a person's dignity, and described as uncivil behaviors, can be tackled confidentially by the ombudsperson. If these behaviors occur in the realm of workplace bullying, repeated, over a period of time like weeks or months, the ombudsperson can develop strategies to tackle such behaviors as well. What constitutes uncivil behavior to one person may not appear uncivil to another person where differences in culture, gender, personality or life experiences, may impact on the existence of civility or bullying in a particular situation.

In order to preserve the essence of the university as a place for dialogue and debate, through academic freedom, tenure, peer review and shared governance, the ombudsperson must maintain mutual respect for all concerned. This is done in such a way that all perspectives are heard, controversies are discussed, and divisive issues that arouse emotion, will not undermine the structure of the Academy. We need to continue to encourage the exchange of ideas, and champion the causes of academic freedom and faculty rights, as well as to challenge structures in place at the university. However this can be done in the context of civility and tolerance. In this way, dialogue becomes productive and the faculty ombudsperson serves as the referee for the University, so that all arguments are not suppressed, and the tenets of the University are preserved.



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AUTHOR BIO

Dr. Clara Wajngurt is an executive coach, author, speaker and professor in mathematics who is an expert in the self-development of others and in empowering those around her. She has written several peer-reviewed articles on workplace bullying prevention and has written two books on this subject. She believes when colleagues work together as a team, the success of the university moves forward. Strong leadership, collaboration and communication can encourage all of us to work more effectively with one another and to show more appreciation for one another. In this way, we are passionately involved to fight this issue so we can find ways more efficient ways to deal with it. (CWajngurt@qcc.cuny.edu)